

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

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P R O C E E D I N G S

BOARD MEETING

Tuesday, April 25, 1978

10:00 o'clock a.m.

DONALD F. WILLE,  
Vice Chairman

Wildlife and Fisheries  
Building, Room 102  
400 Royal Street  
New Orleans, LA 70130

Kathryn G. Chamberlin,  
Reporter



Helen R. Dietrich, inc.  
*Stenotypists*

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P R O C E E D I N G S

. . . Pursuant to notice, the regular monthly meeting of Louisiana Wildlife and Fisheries Commission convened at 10:00 o'clock a.m. on Tuesday, April 25, 1978, in Room 102 of the Wildlife and Fisheries Building, 400 Royal Street, New Orleans, Louisiana, Donald F. Wille, Vice Chairman, presiding.

PRESENT WERE:

- DONALD F. WILLE, Vice Chairman
- MARC DUPUY, JR., Member
- J. C. GILBERT, Member
- JEAN LAPEYRE, Member
- HARVEY CLAY LUTTRELL, Member
- CHARLES RIGGS, Member
- J. BURTON ANGELLE, Secretary.

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A G E N D A

DR. LYLE ST. AMANT

1. Bal Construction Co., Inc., requests renewal (5)  
of their permit to remove fill material  
from the Mississippi River on right  
descending bank central to a point

about Mile 70.5 AHP and about 4.5 miles south from Belle Chasse, Plaquemines Parish, Louisiana.

2. Solar's Marine Salvage and River Sand, Inc. (7)  
requests renewal of their permit originally written under the name of Solar Towing Company to remove fill material from Six Mile Lake on the north side of the Atchafalaya Basin between Mile 106.8 and 112.3.
3. F.M.M. and Sand Company, Inc. requests (8)  
renewal of a permit to dredge sand and/or fill material from the Mississippi River at Meraux, St. Bernard Parish, Louisiana.
4. Wetwiski Contractors, Inc. requests a permit (9)  
to remove fill material from the Mississippi River between LS 5628 + 38.9 and 5650 + 30.3 in St. Charles Parish, Louisiana.
5. Beck Stein Services, Inc. requests permit (11)  
to remove fill material from the Mississippi River, Mile 157.6 AHP.



6. Tri-Parish Sand Corporation requests permit (14)  
to remove fill material from the Mississippi River, left descending bank, at a point about 88.1 Miles AHP at Chalmette, St. Bernard Parish, Louisiana.

7. Charles Lambert Gravel Company requests a (16)  
permit for dredging sand and/or fill material from the Mississippi River at Mile 107 AHP to Mile 109 AHP.

MR. ALLEN ENSMINGER

8. Request from South Central Bell for right-of- (18)  
way across Pointe-au-Chien.

MR. JOE HERRING

9. Release of land owned by Robert E. Richardson (20)  
from Wildlife Management System.

OTHER BUSINESS

MR. DON WILLE, CHAIRMAN

10. Report and recommendations of sub-committee on (23)  
oyster leasing policy.

NOTE: The following items were also considered.

Approval of minutes of March 21, 1978. (5)

Discussion of permit regulations, definitions, (12)  
limitations.

May meeting dates. (53)



CHAIRMAN WILLE: Good morning, ladies and gentlemen. I would like to welcome you all to the Wildlife and Fisheries Commission regular meeting here at New Orleans.

I believe the first thing on the agenda, although I don't see it here, is to accept the minutes of the last meeting.

MR. MARC DUPUY: I so move.

MR. CHARLES RIGGS: Second.

THE CHAIRMAN: Moved by Mr. Dupuy, seconded by Mr. Riggs. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed?

(No response)

So ordered.

Dr. St. Amant.

DR. LYLE ST. AMANT: Mr. Chairman and Members of the Commission, we have seven items on the agenda. Most of them or all of them are routine operations. I will read them off individually.

Bal Construction Co., Inc. requests renewal of their permit to remove fill material from the Mississippi River at Mile 70. We have



had this permit in operation and there has been no problem with it. I would recommend that it be renewed for a period of one year at the new rate of ten cents per cubic yard.

THE CHAIRMAN: Do I have a motion?

MR. JEAN LAPEYRE: I so move.

THE CHAIRMAN: Moved by Mr. Lapeyre.

MR. DUPUY: I second.

THE CHAIRMAN: Seconded by Mr. Dupuy.

All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Those opposed?

(No response)

Motion carried.

(The full text of the  
resolution is here made  
a part of the record.)

BE IT RESOLVED that the  
Louisiana Department of Wildlife and  
Fisheries does hereby grant permission  
to BAL CONSTRUCTION COMPANY, INC. to  
dredge for fill material from the  
Mississippi River, right descending



bank, central to a point at about  
Mile 70.5 AHP and about 4.5 miles  
south from Belle Chasse, Plaquemines  
Parish, Louisiana, for a period of  
one year from April 25, 1978, to  
April 25, 1979, for a royalty of  
ten cents per cubic yard.

DR. ST. AMANT: The second one is Solar  
Marine Salvage and River Sand, Inc. requests  
renewal of their permit originally written under  
the name of Solar Towing, but this permit has been  
in operation at Mile 106. We have had no problem  
with it. I would recommend its renewal for a  
period of one year at the new rate of ten cents  
per cubic yard.

THE CHAIRMAN: May I have a motion?

MR. DUPUY: I will move.

THE CHAIRMAN: Moved by Mr. Dupuy.

MR. CHARLES RIGGS: Second.

THE CHAIRMAN: Seconded by Mr. Riggs.

All those in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed?



(No response)

THE CHAIRMAN: Motion carried.

(The full text of the  
resolution is here made  
a part of the record.)

BE IT RESOLVED that the  
Louisiana Department of Wildlife and  
Fisheries does hereby grant permission  
to SOLAR'S TOWING COMPANY (Solar's  
Marine Salvage & River Sand, Inc.)  
to dredge fill material from Six Mile  
Lake on the N/S of the Atchafalaya  
Basin between Mile 106.8 and 112.3  
for a period of one year from April 25,  
1978 to April 25, 1979, at a royalty  
rate of ten cents per cubic yard.

DR. ST. AMANT: The third one is F.M.M.  
& Sand Company requests renewal of a permit to  
dredge sand and fill from the Mississippi River  
at Meraux in St. Bernard Parish, and we would  
recommend this one be renewed at the appropriate  
royalty for a period of one year.

MR. LAPEYRE: So move.





THE CHAIRMAN: Moved by Mr. Lapeyre.

MR. HARVEY CLAY LUTTRELL: Second.

THE CHAIRMAN: Seconded by Mr. Luttrell.

All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Those opposed?

(No response)

Motion carried.

(The full text of the  
resolution is here made  
a part of the record.)

BE IT RESOLVED that the  
Louisiana Department of Wildlife and  
Fisheries does hereby grant permission  
to F.M.M. & SAND COMPANY, INC. to dredge  
sand and/or fill material from the  
Mississippi River at Meraux, St. Bernard  
Parish, Louisiana, for a period of one  
year from April 25, 1978 to April 25,  
1979, at a royalty rate of ten cents  
per cubic yard.

DR. ST. AMANT: Number 4 is Wetwiski  
Contractors, Inc. request a permit for fill material



at Levee Station 5628 in St. Charles Parish. This is a new permit. We have examined it and it will not cause any problems. We recommend that the permit be granted for a period of one year at ten cents per yard.

THE CHAIRMAN: Do I have a motion?

MR. RIGGS: I so move.

THE CHAIRMAN: Moved by Mr. Riggs.

MR. DUPUY: Second.

THE CHAIRMAN: Seconded by Mr. Dupuy.

All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Those opposed?

(No response)

Motion carried.

(The full text of the  
resolution is here made  
a part of the record.)

BE IT RESOLVED that the  
Louisiana Department of Wildlife and  
Fisheries does hereby grant permission  
to WETWISKI CONTRACTORS, INC. to dredge  
for fill material from the Mississippi



River at Levee Station 5628 + 38.9 to Levee Station 5650 + 30.3 or in the vicinity of Mile 122.3 AHP to Mile 122.5 AHP, at Destrehan, St. Charles Parish, Louisiana, for a period of one year from April 25, 1978 to April 25, 1979, at a royalty rate of ten cents per cubic yard.

DR. ST. AMANT: Beck Stein Services, Inc. requests a permit to remove fill material from the Mississippi River at Mile 157.6 AHP. This permit has been examined and meets the requirements of the Commission. I would recommend it be granted for one year at ten cents a yard.

THE CHAIRMAN: Motion?

SECRETARY ANGELLE: Let me ask a question.

THE CHAIRMAN: Go ahead, Mr. Angelle.

SECRETARY ANGELLE: Dr. St. Amant, on locating the mile, Mile 157.6, is there an area between that mile and something else that he dredges?

DR. ST. AMANT: He will probably set a single site. Most of them request a half a mile or so. They may move up and down, but normally

what they do is establish a bend or a point where the river is building and they dredge in that local site.

THE CHAIRMAN: Within that one mile?

DR. ST. AMANT: Yes. If you like, I can contact this man after approval and ask him the exact site, the limits of it, if you want.

SECRETARY ANGELLE: I am just wondering if that would be needed in the contract that these people are given, a particular area of lease.

DR. ST. AMANT: These leases are non-exclusive. Now there has been a letter that came in from one dredging company recently, I guess in the area you might call a complaint. He had been operating in an area for some time and someone built a dock facility or a barge-loading facility above him. This tended to reduce the movement of sand back into the area where he was dredging and then a second dredge company came up in that vicinity and according to him dredged him out. Actually the leases are non-exclusive. All they say is that you are not to dredge within I think two, three hundred feet or a hundred yards or so from an



existing dredge, just enough for clearance so that you won't have any conflict of equipment, but it is true that most of these people apparently locate an area where the river is building sand and where they continually fill in the hole they are working in and then they have a site on the shore where they operate from and store the sand.

It may be that you might want to consider some change in these permit contracts so that they are a little better identified or a little more restrictive. I don't know, but this is something we need to look at, if you would like to look at it.

SECRETARY ANGELLE: I think this may be an area where this could help our auditing.

DR. ST. AMANT: O. K. Let me take a look at the thing and I will come back.

THE CHAIRMAN: You want to just put it off?

DR. ST. AMANT: No, not on this one. I think what I will do here, I will just get with this man and ask him to identify more precisely what he wants. I think, if you like, I will come back with some recommendations how to handle these

permits.

THE CHAIRMAN: O. K., do I have a motion?

MR. DUPUY: I will move.

MR. LUTTRELL: Second.

THE CHAIRMAN: Moved by Mr. Dupuy,  
seconded by Mr. Luttrell. All in favor?

IN UNISON: Aye.

THE CHAIRMAN: Those opposed?

(No response)

Motion carried.

(The full text of the  
resolution is here made  
a part of the record.)

BE IT RESOLVED that the  
Louisiana Department of Wildlife and  
Fisheries does hereby grant permission  
to BECK STEIN SERVICES, INC. to remove  
fill material from the Mississippi  
River at Mile 157.6 AHP for a period  
of one year from May 13, 1978 to May 13,  
1979, at a royalty rate of ten cents  
per cubic yard.

DR. ST. AMANT: The next item is a request



by Tri-Parish Sand Corporation to remove fill material from the Mississippi, left descending bank, at a point about 88.1 miles at Chalmette. Here again he has only one figure, so we will have to check him, too, and get a limit on his operations. We have examined this and I would recommend you issue the permit at ten cents a yard?

THE CHAIRMAN: Do I have a motion?

MR. LAPEYRE: I so move.

MR. DUPUY: Second.

THE CHAIRMAN: Moved by Mr. Lapeyre, seconded by Mr. Dupuy. All in favor?

IN UNISON: Aye.

THE CHAIRMAN: Opposed?

(No response)

Motion carried.

(The full text of the resolution is here made a part of the record.)

BE IT RESOLVED that the Louisiana Department of Wildlife and Fisheries does hereby grant permission to TRI-PARISH SAND CORPORATION to dredge



fill material from the Mississippi River, left descending bank, at a point about 88.1 miles AHP for a period of one year from April 25, 1978 to April 25, 1979, at a royalty rate of ten cents per cubic yard.

DR. ST. AMANT: The final one is Charles Lambert Gravel Company. This is actually a renewal. He did operate for a while and then he stopped and now he wants to go back in business. He wants to dredge between Mile 107 and Mile 109. We have examined this. His original permit was properly handled and we had no problem with this. I would recommend we issue him a permit for one year at ten cents a yard.

THE CHAIRMAN: Motion?

MR. DUPUY: I move.

MR. LUTTRELL: Second.

THE CHAIRMAN: Moved by Mr. Dupuy, seconded by Mr. Luttrell. All in favor?

IN UNISON: Aye.

THE CHAIRMAN: Those opposed?

(No response)





THE CHAIRMAN: Motion carries.

(The full text of the  
resolution is here made  
a part of the record.)

BE IT RESOLVED that the  
Louisiana Department of Wildlife and  
Fisheries does hereby grant permission  
to CHARLES LAMBERT GRAVEL COMPANY to  
dredge for sand and/or fill material  
from the Mississippi River at Mile 107  
AHP to Mile 109 AHP, for a period of  
one year from April 25, 1978 to  
April 25, 1979, at a royalty rate of  
ten cents per cubic yard.

THE CHAIRMAN: Anything else, Dr. St.  
Amant?

DR. ST. AMANT: That will be all. Thank  
you.

THE CHAIRMAN: Thank you, Dr. St. Amant.  
I believe, Mr. Herring, you are handling  
Mr. Ensminger's item.

MR. JOE HERRING: Right. Mr. Ensminger  
was unable to come today so his only item on the



agenda is a request from South Central Bell for an easement across a portion of our Pointe-au-Chien Wildlife Management Area.

This easement would be approximately 970 feet long and ten feet wide. The purpose of the request is to move a telephone line which is now under a canal and giving some problems there and they wish to move this telephone line up to the road and across some of the marsh. It would be our recommendation on that that we charge them \$10 per rod for this 970 feet, which would be a total of \$590 in fees for the easement across this portion of the Pointe-au-Chien Wildlife Management Area.

THE CHAIRMAN: All right, is there any discussion on this? Do I have a motion?

MR. LUTTRELL: I so move.

THE CHAIRMAN: Moved by Mr. Luttrell.

MR. RIGGS: Second.

THE CHAIRMAN: Seconded by Mr. Riggs.

All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Those opposed?

(No response)



THE CHAIRMAN: The motion carries.

(The full text of the resolution is here made a part of the record.)

WHEREAS, the Department of Wildlife and Fisheries has received a request from South Central Bell for a 10-foot wide easement adjacent to Highway 665 to accommodate relocation of an existing South Central Bell cable, and

WHEREAS, this work can be accomplished without causing environmental problems to the Wildlife Management Area,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby grant an easement to South Central Bell to cover the proposed work at the rate of \$10 per rod for a 10-foot wide easement 970 feet long adjacent to State Highway 665 on the Pointe-au-Chien



Wildlife Management Area, and

BE IT FURTHER RESOLVED that the Secretary is hereby authorized to sign all documents pertaining to this matter.

MR. HERRING: Thank you, Mr. Chairman.

The next item is a request from Mr. Robert E. Richardson, who is with Farmcraft Associates, Inc., to withdraw 420 acres from our West Bay Wildlife Management Area.

Mr. Richardson has recently purchased this property from Finke Stores, Inc. and Vancouver Plywood Company, and he has apparently some other ideas for the use of this land and has requested that it be withdrawn from the Wildlife Management Area system there. This land is kind of broken up into small tracts. It lies within Township 2 South, Range 4 West, all in Allen Parish, and it is scattered out through Sections 27, 28, 29 and 33.

With this he does have the right to do this. We lease this land free of charge and one of the stipulations is that each party can break the lease within a 30-day notice. As usual, when some-



thing like this happens, I do like to make the Commission and the public and the sportsmen of this state aware that much of the land we have in our Wildlife Management Area system is leased to us free of charge, like this, and we always stand to lose it when we have it. This is one of the reasons why we are in a land acquisition program so once we have this land in the system there, it will stay there for public use from now on out.

This is just a small tract but it is important to look at there, and so I would recommend that we go ahead and release this land to Mr. Richardson.

MR. DUPUY: Did you say how much acreage it was?

MR. HERRING: 420 acres, yes, sir.

MR. DUPUY: How much remains under the Richardson leases?

MR. HERRING: Well, I think this is going to take out what he has. Bob is kind of a forest consultant and so this is all that he has. Whether he buys any more in that area or swaps any more land, I wouldn't know, but he does other work in



other parts of the state, too. I don't know what his purpose really is in buying it.

MR. RIGGS: I move that we release the land.

MR. DUPUY: I will second, Mr. Chairman.

THE CHAIRMAN: O. K. All in favor?

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Motion carries.

(The full text of the resolution is here made a part of the record.)

WHEREAS, we have received a written request from Mr. Robert E. (Slim) Richardson to release his lands, some 420 acres, from West Bay Wildlife Management Area system, and

WHEREAS, the land is described as: Township 2 South, Range 4 West, Allen Parish. W 1/2 of the SW 1/4 and NE 1/4 of the SW 1/4, that part of the SW 1/4 of the NW 1/4 lying south of the



railroad and that part of the NW 1/4 of the SE 1/4 lying south of the railroad, Section 27. The SE 1/4 of the SE 1/4 and the NW 1/4 of the SW 1/4, Section 28. SE 1/4 of the SE 1/4, Section 29. N 1/2 of the NE 1/4 and SE 1/4 of the NW 1/4, Section 33; and

WHEREAS, a landowner has the right to request his land be removed from the Wildlife Management Area system,

NOW THEREFORE BE IT RESOLVED that the Louisiana Department of Wildlife and Fisheries release this land from the Wildlife Management Area system.

THE CHAIRMAN: Thank you, Joe.

MR. HERRING: Thank you, Mr. Chairman.

THE CHAIRMAN: O. K., under the heading and guise of Other Business, the Oyster Committee has met last night and finalized some recommendations which will be brought before the Commission at this time. Since I am Chairman of that Committee and I am Chairman of the Commission today, I



can't make the report to the Chairman, so I am going to let Mr. Lapeyre make the recommendations of the Committee. Then what I will do, after Mr. Lapeyre's recommendations, if I have any comment from the audience -- I see some oyster people here today -- so if you have any comments, you might want to speak.

This is by no means a complete, conclusive report now, we want you to know. Go ahead, Mr. Lapeyre. I am sorry.

MR. LAPEYRE: Thank you, Mr. Chairman. I might just point, or restate the point you just made, in that the study that the Committee did includes a broader scope of matters involved with the business of oyster leasing and the oyster program in general, but for this morning we want to restrict the recommendations of the committee to the Commission as a whole to those dealing primarily with the problems involved with surveying.

I will just now read the list of recommendations that the Committee has agreed upon for consideration by the Commission as a whole and for action to be taken this morning.





1. Declare a moratorium on the acceptance of new applications until Oyster Division is current in surveying applications.
2. On pending applications, applicant shall have until May 20 from today to withdraw if desired. If not withdrawn, the new fees will apply and additional monies will be. Forfeiture of filing fees if withdrawn after two weeks.
3. On any new leases granted, enforcement will be made and only grounds suitable for oyster culture will be leased after this date.
4. The lease form and application form will be revised to set forth specifically pertinent provisions of the law.
5. New survey fees are set as follows:
  - A. New applications previously received, four times the present rate.



B. Renewals, 2-1/2 times the present rate.

C. Restake own lease, \$20 per shot.

D. Restake another lease, five times present rate.

6. Later consideration on acreage note increase, severance tax and/or harvest licenses and license of all boats --

I was a little confused about that final one because I didn't see it when I read over the report. What that means, that means that at a later date we will make further recommendations as to any action that the committee might consider proper with respect to severance tax or harvest licenses.

THE CHAIRMAN: That should be "acreage rate increase," Jean, and on Item 2, I would like to reread that right quick and you all make a notation down there where it says "in two weeks."

(Reading) "On pending applications, applicant shall have until May 20 from today to withdraw if desired. If not withdrawn, the new fees will apply and additional monies will be due. Forfeiture



of filing fees if withdrawn after May 20."

In other words, they have until May 20 to withdraw any pending application that they have on file at this time and their fee will be returned. After May 20 your fee will be forfeited. It should have been that way all along except we have never enforced it.

I am going to open it up if anybody from the floor wants to be heard. I want you to please contain your remarks to the recommendations that the committee has made today. We have not made any decisions on anything else. If there is anything that we have declared today, that has been recommended to the Commission, then you all can discuss that, but I would like you to hold it to that, if you will.

We have no comments from the floor?  
No comments about Item 1, about the new applications moratorium?

MR. LAPEYRE: Mr. Chairman, do people in the audience have a copy of this? Is there anybody who is unclear as to what we read there? Do you understand?



MR. PETER VUJNOVICH: Item 1, that \$20 restake, then you read something after that for the whole lease.

MR. GILBERT: Why don't we take Item 1 and go over it in good shape, Don?

THE CHAIRMAN: O. K. Item 1 is "Declare a moratorium on the acceptance of new applications until the Oyster Division is current on survey applications." That means until they can get caught up we are declaring a moratorium and we will not accept any more applications, any more new applications. This does not pertain to renewals.

Is that all right with you, Captain?

MR. VUJNOVICH: Yes, O. K.

THE CHAIRMAN: All right. Item 2. "On pending applications, applicant shall have until May 20 from today to withdraw if desired. If not withdrawn, new fees will apply and additional monies will be due. Filing fees will be forfeited after May 20."

MR. LEOPOLD TALIANCICH: How much is that new fee? Four times?

THE CHAIRMAN: Yes, sir. But you have an



opportunity between now and May 20, if you are speculating on anything, to get it back.

MR. TALIANCICH: Well, you speculate every time you put a lease that you are going to do good. But what happens?

THE CHAIRMAN: As you all know, we have had a tremendous loss in our survey department of the Oyster Division and that is the reason we have made this recommendation. We have been losing money steadily. We feel that this is not unreasonable. As a matter of fact, the Oyster Growers Association, the Oyster Growers and Dealers Association recommended that we go five times the present rate instead of four. If you all are members of that, I am sure you were aware of their recommendation. I have a copy of Mr. Pacimo's recommendation, Buddy Pacimo's recommendation, right here, and it says, "New applications, five times the present rate. Renewal three times the present rate." We went two.

It says, "Restake on lease, \$20 a shot." We kept that. Restake another lease is the same as "A" which is five times the present rate, which



we have. No, "D" should be four, then. Sorry about that.

MR. TALIANCICH: Well, what happens -- sometimes you have got an application for, say, 40 or 50 acres and when you survey it turns out 30 acres. Do we get a refund like we get now on the difference?

THE CHAIRMAN: I am sure that you will. We haven't gotten into that. No? No. Harry says no. Whatever the application is then.

MR. LAPEYRE: Suppose you turn it around and the acreage is for a greater amount than they are paying?

THE CHAIRMAN: What about if it is a greater amount, Harry?

MR. LUTTRELL: The fee is not for the number of acres. It is just like a license fee for an automobile; it is just so much.

THE CHAIRMAN: Wait a minute, let Harry speak. What, Harry?

MR. SCHAFER: When they come in, they tell us how many acres they want out there. We only allow 10 percent more than that, so that will



just be 10 percent more than whatever they applied for, so we would just charge them that extra amount, that extra 10 percent, if they go 10 percent.

SECRETARY ANGELLE: That is a per-acre charge but this is an application charge.

THE CHAIRMAN: We are talking about the application fee now. The application fee is forfeited.

MR. TALIANCICH: You see, I don't want to start no controversy but the only time that you are limited right now to 10 percent more than what your application is is when somebody else puts an application in after you. Then you are limited to 10 percent of the area to make sure that he gets some. Well, right now a man might have a 10-acre application and he might end up surveying 50 or 60 acres. The system is now to charge him for the extra acreage. If he has a 50-acre application and finds out that he has only found 10 acres that was good, they have been giving him a refund on that. When you are out on the water, it is hard to estimate what you have got in a given area.



THE CHAIRMAN: Harry. Get at the mike, Harry.

MR. SCHAFER: We still have the people that will come in here and there is some open area on the map and he goes out there and he inspects it. He comes back in and he says, "I want 10 acres." Of course, there might only be one acre there and he has completely closed it up.

SECRETARY ANGELLE: How much would you charge him at that point?

MR. SCHAFER: We charge him for the 20-acre bit.

SECRETARY ANGELLE: Then it is not so much an acre?

MR. SCHAFER: No, the survey fee and application fee are one and the same, and it is charged on a per-acre basis. If he comes in for ten acres, it is \$20, he puts down \$20. If we survey 10 acres, we keep the \$20. Well, ten acres is not good because that is a minimum amount. If it is 30 acres, then we will give him \$10 back.

But we don't think it should be that way. Once he comes in there and he says he wants this





and he decides he wants more or he wants less, he has tied up this amount in an application. Then we have to go through the expense of writing letters, writing checks, to get this money back to him. Most of these people are pretty good, and I think once we get this little penalty in there, then they will figure a little closer on the acreage that they want when they come in for the application.

THE CHAIRMAN: That is the way it is going to be, then, or that is the recommendation. That is not the way it is going to be yet; that is the recommendation.

MR. TALIANCICH: I am not opposed to a minimum charge on an application. I have suggested it quite a few times, but the application fee is technically, by law, only a deposit.

THE CHAIRMAN: Well, any deposit that you make is automatically forfeited, anyway. If you go down here and you make a deposit on a car, you had better make sure that if it is counted as a deposit, you are not going to get your money back. You may get credit on another automobile but you are not



going to get your money back.

MR. FERAC: There was a question this morning of surveying a lease that is going to come out two acres and it would cost you \$20 for the application. It would cost the same for two acres or ten acres. Does it?

THE CHAIRMAN: Is that right, Harry?

MR. SCHAFER: That is correct.

MR. FERAC: So what is going on there about refunding money and all that?

THE CHAIRMAN: There is no refund, that is what he said. There is not going to be any refund because that is what is costing us so much money, to make these refunds.

MR. LAPEYRE: The problem comes up I think where the application is for an amount of acres greater than the minimum amount, where you add onto that minimum amount a certain additional charge for the extra acreage, you see, and that is all lumped in as an application fee. Now if the actual survey produces less acreage than was originally requested, Captain Leopold's question is, does he get -- excuse me, if it is less than



requested, does he get money back of that amount over and above the minimum that he paid in at the time he made the application.

THE CHAIRMAN: I thought all application fees were going to be forfeited. Isn't that our recommendation?

MR. LAPEYRE: That was the understanding.

THE CHAIRMAN: All we are doing is cutting down the administrative paper work.

MR. LAPEYRE: That's right.

THE CHAIRMAN: And I stand corrected. Mr. Angelle just informed me that on cars you do get a deposit back. But we are not going to give a deposit back. They do business a little different in Breau Bridge than they do in Shreveport!

MR. FERAC: I would say this. I want a piece of ground out there and I come up here and make application for 30 acres and I have it staked off already. All right, you all come down there and survey it and you all find 50 acres. I think I am entitled to the whole 50 acres if I have it staked off already, because the next fellow who makes application will probably make it from my



stakes on. Now if you don't have it staked off when the surveyor comes out there, well, then you get the 30 acres.

THE CHAIRMAN: Well, you are entitled to the acreage only if you pay the additional monies.

MR. FERAC: I am talking about applications.

THE CHAIRMAN: You are talking about an application fee. You only applied for 20 and you came out 30.

MR. FERAC: I applied for 30 and I came out 50.

THE CHAIRMAN: What about that, Harry?

MR. SCHAFER: Again, the general policy on that was that you are limited to 10 percent of the acreage that you applied for. Now they have been bending that a little bit if there was no application anywhere near where this application was. Then they are usually giving the amount that is out there that he wants. So, if it is more than 10 percent and there is nobody around that has an application in there, then we usually give him what he wants out there.



SECRETARY ANGELLE: That 10 percent is by law or by policy?

MR. SCHAFER: It is just a policy.

MR. LAPEYRE: And you give it to him --

MR. SCHAFER: We give it to him and send him a bill to pay the rest. Before he gets his lease, he has got to pay the additional amount.

MR. LAPEYRE: Over the 10 percent?

MR. SCHAFER: No, over what he paid us. Say, if he pays us for --

MR. LAPEYRE: No, I mean the amount that he pays over is equal to the amount of acreage over the 10 percent allowance.

MR. SCHAFER: No, it is based on the total acreage that is in the lease.

SECRETARY ANGELLE: Harry, why is 10 percent used? It may have been that way for 30 years or 50 years, but why?

MR. SCHAFER: It was something to keep somebody from coming in and tying up a whole bunch of water bottoms by an application. You see, they can come in and get an application for, say, 500 acres and hold that. We will notify them that we



are going to go ahead and survey it. They will say, "Well, I am not ready yet." And they can hold this for 18, 20 months. We have some in there like that, too. They have this tied up, completely tied up. Nobody can even come in and put in an application.

SECRETARY ANGELLE: What is the 10 percent? You said it is policy set by the Commission or staff many years ago.

MR. SCHAFER: Well, many years ago it was set at 10 percent just to keep it within what they ask for.

SECRETARY ANGELLE: Over and above what they are asking for?

MR. SCHAFER: Over and above what they ask for.

SECRETARY ANGELLE: Is that proper, is that something that needs to be looked at?

MR. LAPEYRE: In other words, you give them 10 percent to accommodate any error in the calculation they made as to the acreage they really want. The question is, is it fair, is it a fair number. Can a man be expected to accurately within



10 percent estimate the acreage that he is applying for?

SECRETARY ANGELLE: That is my question.

MR. SCHAFER: Again, a man will come in and take, say, an application for 50 acres and there are no other applications around him. Then somebody else comes in and says, "O. K., I want the rest of what is in this bay after he gets his lease." Then he decides he doesn't want that man in there, so he will say, "O. K., change mine to read the whole bay," and then he gets the whole bay and the other man is left out.

MR. LAPEYRE: Is that good or bad?

THE CHAIRMAN: We haven't determined, the committee hasn't determined whether the 10 percent is a fair figure or not, have we? Or have we even looked into it?

MR. LAPEYRE: That is really the question in my mind and I would have to go with the recommendation. Of course, I think we ought to listen to any opposite opinion on it. It is a problem. I see where a man is being penalized if he doesn't estimate accurately and he winds up with less



acreage than he applied for, he doesn't get a refund, but if he winds up with more acreage than he applies for, then he has got to pay an additional charge.

MR. FERAC: What I am talking about, I have staked off a piece of ground. There ain't anybody around me and --

THE CHAIRMAN: Mr. Ferac, come on up to the mike.

MR. FERAC: -- I figure on 30 to 40 acres. If I make application, say, for 30 acres and it comes out 50, I think I am entitled to the whole thing that is staked out already.

MR. LAPEYRE: I really don't understand why the staking would make a difference, but in principle what I say --

MR. FERAC: -- and there is nobody around.

MR. LAPEYRE: -- if you are going to forfeit the money you paid when you wind up with less acreage than you paid for in the application, then you should, it seems to me, in fairness not be charged for additional acreage when you wind up with more.





SECRETARY ANGELLE: Do you have built into your system at that particular point that applicant can then put in a supplemental application for the other 20 acres if that acreage is available? It can be surveyed at that point without having to go through the whole thing again?

MR. SCHAFFER: No, we do not require an additional application. If there is nobody that wants this extra 20 acres, then we go ahead and survey it and give it to him.

SECRETARY ANGELLE: Right then and there?

MR. SCHAFFER: Right then and there while the surveyor is out there, and then we charge him for the extra 20 acres.

SECRETARY ANGELLE: He was asking for the 20 acres free, and we are charging him.

MR. FERAC: That is because your application, when they send them, they say to make sure you have got your application staked out.

SECRETARY ANGELLE: Well, that is a guide.

MR. FERAC: Which we don't do that. The way it is now, I will find some virgin ground so I will make application. I submit that it is 100



acres, so finally it comes out 150. All the others made application outside of me. Why should I lose that which is 50 acres over. It was already staked off and everything else before anybody came around.

SECRETARY ANGELLE: But actually he tells me he doesn't lose it if he immediately notifies the Department that he is interested in that other 50 acres that is available there.

MR. SCHAFER: No, the way we do it now is -- correct me, Mike -- he makes his 50 acres and he has got it staked off. It might be 100 acres staked off. That doesn't enter the picture, what he has got staked off. He comes in, makes application for the 50 acres. Then some people come in behind him and say, "I want everything in the bay that his lease does not take up, his application does not take up." We go out there and find out there is 100 acres he has got under his stakes but he only applied for the 50. Therefore, we will give him five more acres, ten percent more, in that bay and charge him for the ten percent. Then the other people will have the rest of the bay.



FROM THE FLOOR: That's not right. The first man should have it.

MR. LAPEYRE: I think what it boils down to is that you ought to try to make a pretty accurate estimate of what you have got out there and what you want.

MR. FERAC: It would be the same thing if I asked Mr. Schafer how many square feet we have in this room here. Now when I tell him the dimensions can he tell me unless he knows the dimensions of the room? That is the same thing on the water.

MR. LAPEYRE: How about that, Harry?

MR. SCHAFER: By the same token, I realize it is difficult to estimate acreage out there, but he can certainly come in and put down his money for 10 acres in that bay and when we get out there, he wants 100 acres. In fact, he has only tied up 20 bucks and kept everybody else out of that bay.

SECRETARY ANGELLE: Do you charge him extra if he don't want that other 80 acres?

MR. SCHAFER: But you see, he is not tying up his money like anybody else is doing by



underestimating.

SECRETARY ANGELLE: It is a matter of trying to provide a service for people, not a matter of whether he tied up \$20 or \$100. You have got to provide a service for the people that are trying to make a livelihood, who can utilize the resource.

THE CHAIRMAN: I don't see why we can't look into that.

MR. VUJNOVICH: Gentlemen, we could go on on this subject for three days and still not give an answer. The problem is this: I have an area that is out in open water. I come in and I want 50 acres, so like Mr. Ferac say, you stake it off. Now when the surveyor comes there, I don't know and the Department of Wildlife and Fisheries and nobody knows how much acreage they have in that until the surveyor comes out there and takes your shots, four, six, eight or ten, how many you have, and it is given to the office here and then they check how many acres they have in that lease.

If you have 50 acres and they find 40, I don't mind, you know, my money being forfeited,



but if it happens that they have 75 acres, I would be glad to have it done in the future like it has been done in the past. Now this is the answer to Mr. Schafer. If I have that 50 acres and it comes to 75 and Mr. Ferac comes next to me, a majority of us in the business who are the backbone of the oyster industry, we respect each other, especially in new areas, we respect each other's poles -- now he will come after me and say, "I want 50 acres in that area," and he will go outside of me. I think that this is a good policy because it should be like that to protect the people in the business.

THE CHAIRMAN: I don't think it is a good policy, though, when a man comes in and makes an application for a lease, Captain, and he gets that lease and he has applied for it just like Mr. Ferac said, he has got 100 acres and he comes up with 150 acres, I think that the No. 2 man who has come behind him only because he has done the work out there and staked his area off and got the surveyors to come in and then he is coming in and picking up the gravy of the other 50 acres. I think that the man who has the No.1 priority and



who sets a lease first should have the option of picking up that additional 50 acres, and then the people behind him can pick up what is left over. If they want the rest of it, that is fine.

Anyway, we are the policymakers of the Commission and I feel we can change that policy, whether it is a policy now, Harry; we can change that policy. That is no problem.

MR. VUJNOVICH: Well, there is only one problem to that. It means that the surveyor --

THE CHAIRMAN: If he wants to pick it up and pay the additional, is what I am saying.

MR. VUJNOVICH: Yes, but this is the thing. Once the surveyor comes out there, he cannot pinpoint for me, this is your 50 acres. He shoots it just like anybody suggests and you do not know it until you come here. So, if I have 60 acres in that shot and I only can have 50 of it, that means the surveyor has to go back and redo it again and take 10 acres off of that. That still gives you all extra work.

THE CHAIRMAN: Well, I think we will be looking into this a little further on when we get



into the other problems. We haven't completed our recommendations. The only thing we have given you right now is our recommendations to this date, and that is on the survey, what we are going to do as far as the leases, we are creating a moratorium and we are going up on the leasing fees.

We are going to drop it right there until such time as the committee can come up with its further recommendations because it seems like every area that we get into here, we get into another bucket of worms, you know. We want to try to make it right for everybody, but to make it right has just taken more time than we thought it would take. But I think that when we get through, we will have revamped the program and I think we are going to have a real good oyster program that the oyster fishermen are going to be satisfied with, because you are going to cut these speculators out. They are not going to want to come in and speculate with this land, waiting for a pipeline to come through and you, the people that are doing the oyster fishing, are going to be pleased when we are finished, I am sure.



MR. VUJNOVICH: There is one more thing I would like to add to this. Like I have areas right now that are, say, an 86-acre lease around an island that is good for 15 years. In a period of 15 years, it is usually the policy of this Department that the wash-away from the shoreline belongs to the leaseholder. Well, in some of these areas, the way that shoreline is being washed away, in 15 years there is a heck of a lot more than 10 percent. That is another thing to remember.

THE CHAIRMAN: Right.

MR. VUJNOVICH: So if you all do not recommend something to protect us, what I am going to do in the future, because it has cost me a heck of a lot of money by not doing it in the past, is every year or two I will come and I will look at my blueprint and I will say I want the wash-away from the shoreline and I want a new survey for protection. I am going to have to do it because the last few years it has cost me a heck of a lot of money to buy back my own leases.

THE CHAIRMAN: Well, that is not the only problem we have. We have another problem that





is similar to that of wash-away, but we are going to be looking into that at the same time.

MR. VUJNOVICH: As long as we are going to look at it, you know, once we are at it, we might as well look at every point of it. Thank you.

THE CHAIRMAN: Go ahead. You are going to come up to the mike now. We have got to put this on recording.

MR. TALIANCICH: Mr. Chairman and gentlemen, my name is Leopold Taliancich. What I am about to comment is my personal opinions.

When we get into this stuff, like the Chairman says, it is a bucket of worms. On this 10 percent deal or not 10 percent deal, I will play the game any way that is set down as long as it is set down, but to eliminate that 10 percent also makes the man that has the first application, the way the situation is situated right now, I am well pleased with being first man on the application list, but anyhow, it makes the man who has the first application the cock of the walk because if this (demonstrating) represents 100 acres and I put in



an application for 20 or 30 acres, especially with the fees going up so much, and if I am going to lose them fees, I am going to put my application as small as I can. So then two other guys come in and they say, "Well, we want all the land above the 20 acres."

Well, maybe originally I am the only man who is going to know whether I was intending to take only 20 acres or intended to take the whole bay. So then when these other people move in, ha! I take the whole bay now, the whole 100 acres.

You are on the right track but it is going to have to be well picked over and well studied and in most of this stuff, like I said before, we have gotten here over a long, long time and what we have got, we have been living with. It may need some refining, and like I say, whatever the rules are, as long as they are pat, I will live with them. I mean I will gladly live with them.

Thank you.

MR. LAPEYRE: In the analogy you just made, are you going to know about those 100 acres? Are you going to know that that is 100 acres?



MR. TALIANCICH: Maybe I will. Maybe I will be the only one that will know whether I will or not.

MR. LAPEYRE: If you know they have oysters down there, under the present changes proposed, I think you are probably going to want to include as much acreage in your original application as you can in order to protect your basic interest there, aren't you?

MR. TALIANCICH: Sometimes they are there. Sometimes it is just mud. Sometimes a good piece of mud is worth more than the piece that has got the oysters on it, because I know a lot of oysters you can't sell, you can't even give them away.

MR. LAPEYRE: I don't follow you. I mean in the context of what we are talking about, if the mud is more valuable than the reef, then obviously you would want to lease the mud as well, isn't that right?

MR. TALIANCICH: Sometimes; sometimes the pocketbook controls everything.

MR. LAPEYRE: Well, I mean you either want it or you don't want it.



MR. TALIANCICH: We all want a lot of things we can't afford and we do without them.

MR. LAPEYRE: That's correct, and you do without them, that's right.

MR. TALIANCICH: Thank you.

MR. DUPUY: Mr. Taliancich, just one second. The thing that we are going to be looking for in the future, and should have been I am sure in the past, that grounds only suitable for oyster culture should be leased. I think that is what the law provides and that is what we would be looking at. You know, you are talking about leasing a lot of mud that is not suitable for oyster culture.

What is the fairest for the industry?

MR. TALIANCICH: Well, Mr. Dupuy, I am not talking about reefs and mud that are not suitable because you never know what is suitable until you have tried it. I can take you up in ground back of Buras where 25 and 30 years ago was the best grounds in the state of Louisiana. Today it makes nothing but big old packed oysters like that (demonstrating). And you fell overboard in that ground, it was so slushy you went up to your waist.



So, the hardness and the softness isn't always the answer. There are so many -- there is nothing in this world so complex as raising oysters and that is one of the reasons I am in the business, because it is the fun of the game and seeing them other guys with their big grins and sometimes they get frustrated. I have been frustrated many a time myself. There is nothing more prettier than a nice crop of oysters. Thank you.

THE CHAIRMAN: Thank you, Leopold. We can always count on some words of wisdom from Leopold.

Ladies and gentlemen, if we have no more comments from the audience, I would like to announce that May 1 and 2, that will be Monday and Tuesday of next week, at 10:00 o'clock a.m., we will be having our informal meeting and our formal meeting concerning the shrimp season. The public hearing will be on May 1 and the Commission meeting will be on May 2, out at the Hilton by the airport, where the airplanes fly right over it.

Do we have any further business before the Commission this morning? Mike?



MR. MICHAEL MEYERS: When do you intend to institute this moratorium?

THE CHAIRMAN: As of today. It is in effect as of the time that we -- in fact, I have got to put it up for motion right now. We have got to move right now, so as of the time that we make the motion and second it, if it is accepted by the Commission, and I will ask for a motion right now.

MR. MEYERS: All I wanted to bring out was the fact that we may have fishermen coming from Terrebonne or other places during the remainder of the week, so I would like to go ahead and get some kind of notification out first. I would hate to see them come up here for nothing.

THE CHAIRMAN: All right. Do you want 24 hours or 48 hours?

MR. MEYERS: If that is when we get a news release out, yes

MR. VUJNOVICH: I think that in behalf of the good of all that the minute you all decide, we can walk out of here right now and take the rest of the leases that are empty if we have money in



the bank and a check in our pocket -- I think it should be equal for all. So when you all decide, I know it is hard but it is the fairest for all.

THE CHAIRMAN: I think you are right, Captain. Harry, do you want to make a comment?

MR. MEYERS: I just wanted to bring that point out. I hate to see somebody make a trip in for nothing, not knowing.

MR. LAPEYRE: The problem there is you might invite another flood.

(Discussion off the record.)

THE CHAIRMAN: O. K., I tell you what we are going to do. We will insert into this motion "at the close of business today for the Wildlife and Fisheries Commission at the building here, which will be five o'clock today." Is that right, Burt?

SECRETARY ANGELLE: Yes, sir.

THE CHAIRMAN: As of five o'clock this evening, if the motion is carried, the moratorium will be in effect. O. K., do I have a motion?

MR. LUTTRELL: I so move.

MR. RIGGS: Second.



THE CHAIRMAN: It has been moved by Mr. Luttrell, seconded by Mr. Riggs. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Those opposed?

(No response)

The motion carries.

SECRETARY ANGELLE: Items 1 through 5?

THE CHAIRMAN: Right, Items 1 to 5 are adopted and it will be as of the close of business today at five o'clock today. This five o'clock only applies to Item 1, this moratorium.

(The full text of the resolution is here made a part of the record.)

WHEREAS, the Louisiana Wildlife and Fisheries Commission held three public hearings in Buras, Morgan City and Houma, for the purpose of receiving testimony from interested oyster fishermen or industry representatives, and

WHEREAS, this testimony was to





to be considered by a special committee of the Louisiana Wildlife and Fisheries Commission in order to establish administrative policies to more effectively administer the leasing of waterbottoms for producing oysters, and

WHEREAS, this committee did recommend certain policy changes to the full Commission, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission at its regular meeting, April 25, 1978, adopted the following new policies or administrative regulations, and

THEREFORE, NOW BE IT RESOLVED that:

1. A moratorium was placed on the acceptance of new applications until further notice.
2. Survey application fees for new leases after the moratorium is lifted will be as follows:



<u>Acres</u>	<u>Dollars</u>
10 or less	\$ 80.00
11-20	120.00
21-200	2.00 additional for each acre after 20
201-1000	1.00 additional for each acre after 200

3. Survey application fees on leases  
expiring by 15-year limitation are  
established as follows:

<u>Acres</u>	<u>Dollars</u>
10 or less	\$ 50.00
11-20	75.00
21-200	1.25 additional for each acre after 20
201-1000	.65 additional for each acre after 200

4. Survey application fees for  
RESTAKES of one's own lease are  
established as follows:

\$20.00 PER SHOT POINT

5. Survey application fees for  
restakes of someone else's



lease are established as follows:

\$80.00 for the first two shot points.

\$40.00 for each additional shot

point thereafter.

6. All applications presently on file for any reason, may be withdrawn on or before May 20, 1978, and all fees on deposit will be returned.
7. On all applications withdrawn or cancelled for any reason after May 20, 1978, the fees on deposit will be retained by the Department for services rendered.
8. All applications retained after May 20, 1978 will be subject to the new rates. The additional fees necessary to make these applications valid will be billed to you with notification letter of survey date. Payment will be due one week prior to the scheduled survey.
9. Only applications for grounds



suitable for oyster culture will be surveyed and leases issued. This will be determined at the time of survey. For oyster bedding grounds found not suitable for oyster culture, the applications shall be cancelled and deposit fees retained for services rendered.

NOW THEREFORE BE IT FURTHER RESOLVED that these policy changes go into effect immediately on May 20, 1978 as stipulated above.

MR. TALIANCICH: Mr. Chairman and gentlemen, I wanted to suggest before when I came up, if a man has a 20-acre application and he does survey 100 acres, I want to recommend that there be some kind of way, if we are going to this strict fees, that there be some kind of way that he be required to pay that additional overrun, because some of them survey that whole 100 acres, run it up to keep anybody else from surveying it, and then when he gets the bill he won't pay it. He will just drop it and maybe come back and put another 20-acre



application in a year or so later. Do you understand what I am saying, what I am talking about?

THE CHAIRMAN: Right. That is going to be taken care of in a later recommendation of the committee.

MR. TALIANCICH: In other words, maybe there should be some kind of way that he should prove his financial responsibility to pay that lease or to pay that overrun of that survey.

MR. LAPEYRE: Supposing that if he fails to pay the additional charge within a specified time he would lose the entire lease.

MR. TALIANCICH: Yes, but he might want that. He might want that. Mr. Lapeyre, you don't know the tricks that are pulled in the oyster business.

MR. LAPEYRE: Why would he apply for it if he knew in advance that he was going to forfeit it?

MR. TALIANCICH: Maybe he didn't know it in advance.

MR. LAPEYRE: But if the policy is stated that if he doesn't pay the additional charge within



X-number of days, then he loses the lease, then it seems to me that ought to be inducement enough to pay the additional charge.

MR. TALIANCICH: Not always. What is good today is no good tomorrow.

MR. LAPEYRE: Well, if it is no good, I don't know why we would want to compel him -- remember now, he is going to lose the amount that he paid for the 20 acres.

MR. TALIANCICH: I understand that. But he has also kept anybody else out, so it has served his purpose.

THE CHAIRMAN: Mr. Leopold, we will be looking into that in our future recommendations.

MR. LAPEYRE: We are going to try to solve as many problems as we can.

THE CHAIRMAN: If there is no further business before this Commission, we stand adjourned. Thank you very much.

(Whereupon, at 11:00 o'clock  
a.m., the meeting was adjourned.)

Kathryn G. Chamberlin,  
Reporter.



C E R T I F I C A T E

I, the undersigned reporter, DO HEREBY CERTIFY that the above and foregoing ( 62 pages of typewritten matter) is a true and correct transcription of the tape recording and of the stenographic notes of the proceedings herein, transcribed by me, at the time and place hereinbefore noted.

New Orleans, Louisiana, this 31st day of  
May 1978

*Kathryn G. Chamberlin*  
Kathryn G. Chamberlin